

Remarks

Careful consideration has been given to the Office Action of March 16, 2004, and it is respectfully requested that the application as herein amended be favorably reexamined with a view toward allowance of all claims herein.

Submitted simultaneously herewith is a Request for a Three Month extension with the fee therefor.

The claims now in the case for active consideration are 1 (amended), 4-12 (original), 13 (amended), 14-16 (original), 18 (amended), 19-21 (original), 22 (amended) and 25-33 (original). Claims 2, 3, 17, 23 and 24 are cancelled.

In paragraph 3 of the Office Action, all claims have been rejected under 35 USC § 112, para 2 as allegedly being indefinite in one or more recitations. The claims have been suitably amended, taking into account the suggestions kindly proffered by the Examiner. In addition, and with specific regard to the term “semipermeable membrane” and the Examiner’s inquiry as to which portion of the catheter comprises it, applicant would respectfully note that, as recited in the original claim language, it is the outer catheter wall that functions as the

semipermeable membrane. (Page 12, lines 15-17; Fig. 5, reference numeral 8.) As now amended, the claims are believed to be in compliance with the requirements of § 112.

In paragraphs 5-6 of the Office Action, one or more claims are rejected as allegedly being obvious from Gorsuch '478 alone or in combination with other secondary references.

However, in paragraph 7 of the Office Action, the Examiner objects to claims 3, 6, 17-21, 24, 27 and 29 as being dependent upon a rejected base claim and indicates they would be allowable in independent form including all the limitations of the base (and any intervening) claims.

Claim 1 has been amended (in addition to obviating the §112 objections) to incorporate therein the subject matter of claims 2 and 3 and accordingly, claim 1 and all claims dependent therefrom are deemed to be in condition for allowance. Similarly, claim 13 has been amended to incorporate therein the subject matter of claim 17 and accordingly, claim 13 and all claims dependent therefrom are deemed to be in condition for allowance. Similarly and finally, claim 22 has been amended to incorporate therein the subject matter of claims 23 and 24, and accordingly, claim 22 and all claims dependent therefrom are also deemed to be in condition for allowance.

In view of the amendments as described above, it is not considered necessary to discuss or distinguish the applied art other than to note that all claims are allowable for the reasons given

by the Examiner in paragraph 7 of the Office Action.

Favorable reexamination leading to early notice of allowance is earnestly solicited.

Respectfully submitted,



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